

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ronald J. V.,

Case No. 22-cv-02140 (TNL)

Plaintiff,

ORDER

v.

Marten O'Malley,
Commissioner of Social Security,

Defendant.

Jyotsna Asha Sharma, Disability Partners, PLLC, 2579 Hamline Avenue North, Suite C, Roseville, MN 55113 (for Plaintiff); and

Ana H. Voss, United States Attorney, United States Attorney's Office, 300 South 4th Street, Suite 600, Minneapolis, MN 55415; James D. Sides and Linda H. Green, Special Assistant United States Attorneys, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235 (for Defendant).

This matter comes before the Court on Plaintiff Ronald J. V.'s Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, ECF No. 26, regarding fees and costs under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).

Plaintiff requested an award of \$8,407.25 in attorney fees and \$19.71 in expenses. *See* ECF No. 26 at 1. The Court ordered Defendant Marten O'Malley to respond to Plaintiff's request. *See* ECF No. 29. Defendant's response provides that the parties have agreed to settle Plaintiff's EAJA request for \$7,986.89. *See* ECF No. 30 at 1. The parties acknowledge that under *Astrue v. Ratliff*, 560 U.S. 586 (2010), any award belongs to the plaintiff (and not counsel) and that such an award "can be offset to satisfy pre-existing debt

that [the p]laintiff owes the United States.” *Id.* at 1-2. Accordingly, pursuant to the parties’ agreement, the Court awards \$7,986.89 in fees and costs under the EAJA.

Based on the foregoing, and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff’s Motion for Attorney’s Fees Pursuant to the Equal Access to Justice Act, ECF No. 26, is **GRANTED IN PART** and **DENIED IN PART**.
2. Plaintiff’s Motion is granted in part as follows:
 - a. Plaintiff is awarded \$7,986.89 in fees and costs under the EAJA, subject to offset by any preexisting debt that Plaintiff owes to the United States.
 - b. Any EAJA fees shall be paid to Plaintiff as the litigant pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010).
3. Plaintiff’s Motion is otherwise denied.

Date: January 19, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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